

**From:** Trstuelp@aol.com@inetgw  
**To:** Microsoft ATR  
**Date:** 1/28/02 5:32pm  
**Subject:** Microsoft settlement

I am responding to the U.S. government's challenge to Microsoft regarding their conduct in the competitive marketplace. I am speaking from the position of a retired CEO for one of Howard Hughes' companies.

I see a great parallel between the Microsoft case and the lawsuit against Hughes by TWA. After years of legal actions it finally reached the Supreme Court. In short order it was thrown out. Hughes won. The reason was logic. Hughes owned 70 percent of the TWA stock when he was challenged with mismanagement! The Supreme Court recognized the obvious. He had the legal right to make the decisions involved.

The Microsoft case is different in detail, but identical in concept. The actions each were (are) are charged with represent normal, legal and proper competitive practice. Both Hughes and Microsoft had the right to optimize their hard won positions just as every other company does in the worldwide marketplace. A point missed by the Monday morning, arm-chair critics is that competition is based on survival. The professional football team doesn't let up on the opposing team because it might lose the game in the process. The competitors in the Microsoft case know this is the way competition works. They operate this way too! In fact their present legal action is just another weapon they chose to use. And the state attorney generals who are fighting Microsoft see profit for their state or political advantage.

My plea is not to let them get away with it!! There is no end to this sort of challenge to the healthy capitalist system where innovation is the engine. My suggestion is to review the TWA versus Hughes Tool Company decision by the U.S. Supreme Court as a reference.

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